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On _____

By: _____

PATENT
Attorney Docket No.: 023070-138220US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Michael German *et al.*

Application No.: 09/811,323

Filed: March 16, 2001

For: DELIVERY OF THERAPEUTIC
GENE PRODUCTS BY
INTESTINAL CELL EXPRESSION

Examiner: Dave Trong Nguyen

Art Unit: 1632

**DECLARATION OF ANDREA
EUBANKS UNDER
37 C.F.R. § 1.132**

Assistant Commissioner for Patents
Washington, D.C. 20231

I, Andrea Eubanks, state as follows:

1. I am currently employed as an Accounting Assistant at the University of California Office of Technology Transfer (herein "the UC OTT").
2. In September, 2003, Kevin Bastian of Townsend and Townsend and Crew, LLP, contacted me requesting copies of invoices from Fish and Richardson P.C. for services performed in the preparation of U.S. Patent Application No. 08/717,084 (herein "the '084 Application").
3. After a search of records at the UC OTT, I was not able to locate the requested invoices. I believe that, since the filing of the '084 Application on September 20, 1996, and in accordance with standard practices in the UC OTT, the requested invoices were purged from our files.

4. Following my search of UC OTT records, I contacted Fish and Richardson P.C., the law firm that prepared and filed the '084 Application, to request copies of invoices relating to preparation of the '084 Application.
5. In response to my request, Fish and Richardson provided me an electronic copy of an invoice referenced as "Bill No. 65847" and dated September 10, 1996 (Exhibit H).
6. I further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that we make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any patent issuing from U.S. Patent Application No. 09/811,323.

Date: _____

Andrea Eubanks